



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/975,831

10/11/2001

Kamal Acharya

NETS0085

3000

22862 7590 05/30/2007
GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER

DUNHAM, JASON B

ART UNIT

PAPER NUMBER

3625

MAIL DATE

DELIVERY MODE

05/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/975,831	Applicant(s) ACHARYA ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 6-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3, and 6-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 12, 2007 has been entered. Claims 1,3, and 6-25 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3, and 6-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pricscan (PTO-892, Ref. U) in view of Biswas (US 6,594,666).

Referring to claim 1. The combination of Pricscan and Biswas discloses a method for providing an integrated electronic list of providers, comprising:

- Determining at least one online provider for an item (Pricscan: page 4);
- Determining at least one offline provider for an item (Pricscan: page 4);
- Wherein the determining steps follow a request for a product (Pricscan: page 10);

Art Unit: 3625

- Wherein when the request is for a desired geographical area, a user may choose one of several target locations, which have been previously created and stored (Biswas: abstract and column 5, lines 25-30);
- Wherein when the request is for a predetermined proximity to a target location, the user may choose a radius for said target location (Biswas: abstract and column 5, lines 25-30); and
- Integrating the at least one online provider with the at least one offline provider to provide an integrated list of providers for the item (Pricescan: page 4); and
- Distinguishing online providers from offline providers in said integrated list (Pricescan: page 4).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Pricescan to have included requests for geographical areas wherein a user may choose a target location and requests for a proximity to a target location wherein a user may choose a radius to said target, as taught by Biswas, in order to allow the user to receive comparison shopping within a geographic area of interest.

Referring to claim 3. The combination of Pricescan and Biswas further discloses a method wherein the request is for a product category (Pricescan: Page 3).

Referring to claim 6. The combination of Pricescan and Biswas further discloses a method including providing comparison information for the at least one online provider and the at least one offline provider for the item (Pricescan: pages 3-5).

Referring to claims 7-13. The combination of Pricescan and Biswas further discloses methods wherein the comparison information includes price, rating, review, availability, promotion, electronic wallet, and return-policy comparison (Pricescan: pages 3-12).

Referring to claim 14. The combination of Pricescan and Biswas further discloses a method providing comparison information about at least two offline providers (Pricescan: page 4).

Referring to claims 15-16. The combination of Pricescan and Biswas further discloses a method wherein the comparison information includes in-store return and pick-up policies of online purchase (Pricescan: page 4).

Referring to claims 17-18. The combination of Pricescan and Biswas further discloses a method wherein the comparison information includes special promotions and coupon availability information (Pricescan: page 4).

Referring to claims 19-20. The combination of Pricescan and Biswas further discloses a method wherein the comparison information includes proximity and direction to the at least two offline providers (Biswas: column 5, lines 25-30).

Referring to claim 21. The combination of Pricescan and Biswas further discloses a method wherein the comparison information includes user review (Pricescan: page 12).

Referring to claims 22-23. Claims 22-23 are rejected under the same rationale set forth above.

Art Unit: 3625

Referring to claim 24. The combination of Pricescan and Biswas further discloses a system implemented on a network environment (Pricescan: pages 3-12).

Referring to claim 25. The combination of Pricescan and Biswas further discloses a system wherein the network environment comprises a global communications network (Pricescan: pages 3-12).

Response to Arguments

Applicant's arguments filed March 12, 2007 have been fully considered but they are not persuasive. Applicant argues that the final rejection dated October 10, 2006 is premature because it did not address the claim limitations in the amendment filed July 25, 2006. Applicant's argument is moot in view of the RCE filed March 12, 2007. Furthermore, page 4 of Pricescan is cited as evidence of the prior art disclosing the limitation in claim 1; "Distinguishing online providers from offline providers in said integrated list." Claims 22-23 recite substantially the same limitations of the method claim 1 as a medium and system, respectively, and are rejected under the same rationale.

Furthermore, the above limitation was discussed in the Response to Arguments and reasons for the cited passage of Pricescan were noted. The examiner disagrees with applicant's contention that the above limitation was ignored, as it is expressly discussed. The examiner further notes page 12 of the Pricescan reference displaying a radio button allowing a user to sort items by price and then by a list of available stores.

Clearly, Pricescan allows a user to distinguish an online provider from an offline provider with a store.

Lastly, applicant argues that there is not motivation to combine the Pricescan and Biswas references. Motivation is cited on page 3 of the final office action as the entire disclosure of Biswas is directed towards allowing a user to choose a target location within a geographic area of interest.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hudda (US 2001/0049636) discloses a system and method for wireless purchases of goods and services.
- Fitzpatrick (US 2002/0069115) discloses a system and method for comparison-shopping among retailers.
- I'Anson (US 7,069,238) discloses a system and method for shopping assistance.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
5/21/07


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600